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Daniel De Sousa

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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/691,795
Filing Date: October 23, 2003
Appellant(s): DE SOUSA ET AL.

Mr. George Coury (Reg. No. 34,309)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed Jan. 23, 2009 appealing from the Office action mailed March 25, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Sheard et al., U.S. Patent No. 6,453,356 (Sep. 17, 2002)

Gollnick et al., U.S. Patent No. 7,206,592 (Apr. 17, 2007)

Hill et al., U.S. Patent No. 6,937,159 (Aug. 30, 2005)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

- Claims 1, 4-5, 7 and 10-11 are rejected under 35 U.S.C. 102(a) as being anticipated by Sheard et al., U.S. patent No. 6,453,356 (referred to hereafter as Sheard).

As to claim 1, Sheard teaches a system for communicating remote sources and users of real time data, comprising:

an installation-local unit (system s1) comprising at least one receiver (adapter 34A of fig. 1) communicated with an installation (application #1 of fig. 1) for receiving real time data from said installation and, a formatting unit (adapter 34a) for formatting said real time data into a suitable communication protocol so as to provide universal data (see col. 4 lines 44-57, col. 9 lines 58-col. 10 lines 2 and col. 5 lines 42-65, adapter 341 receives data from application #1 formatted in a first protocol and translates the data into a generic format);

an additional unit (system 2, 3...n) spaced from said installation-local unit and communicated with said installation-local unit for receiving said universal data, and further comprising an additional formatting unit (adapter 34B-D of fig. 1) for translating said universal data into a different application protocol so as to provide user-application compatible data (see col. 5 lines 56-col. 6 lines 17 and fig. 1, adapter 34B receives data and reformulate the received data into a format suitable for application #2); and

a user-application of said real time data adapted to receive said user-application compatible data (see col. 5 lines 56-col. 6 lines 17, application #2 receives the reformulated data), wherein said additional units comprises at least two additional units having user-applications of said real time data which require said real time data in at least two different formats (see fig. 2, col. 6 lines 35-, each system may comprise a plurality of application where each application may generate and receive data in a different format).

As to claim 4, Sheard teaches the system of claim 1, wherein said installation-local unit further comprises a user of additional data from said additional unit, and wherein said additional formatting unit translates said additional data into said compatible communication protocol, and said formatting unit translates said suitable communication protocol suitable format for said user of additional data (see fig. 1, col. 5 lines 42-57 and col. 8 lines 65-col. 9 lines 12 and col. 9 lines 57-col. 10 lines 2).

As to claim 5, Sheard teaches the system of claim 1, wherein said real time data is in a different format from said user-application compatible data (see col. 5 lines 42-57, the format and protocol at the source is different than the data format at the destination).

As to claim 7, Sheard teaches a method for communicating remote sources and users of real time data, comprising the steps of:

providing an installation-local unit (system s1) comprising at least one receiver (adapter 34a) communicated with an installation (application 1) for receiving real time

Art Unit: 2457

data from said installation and, a formatting unit (adapter 34a) for formatting said real time data into a suitable communication protocol so as to provide universal data (see col. 4 lines 44-57, col. 9 lines 58-col. 10 lines 2 and col. 5 lines 42-65, adapter 341 receives data from application #1 formatted in a first protocol and translates the data into a generic format);

providing an additional unit (system 2,3...n) spaced from said installation-local unit and communicated with said installation-local unit for receiving said universal data, and further comprising an additional formatting unit for translating said universal data into a different application protocol so as to provide user-application compatible data (see col. 5 lines 56-col. 6 lines 17 and fig. 1, adapter 34B receives data and reformulate the received data into a format suitable for application #2);

transmitting said universal data from said installation-local unit to said additional unit (see col. 5 lines 66-col. 6 lines 17, data in generic format is transmitted to app #2);

translating said universal data into said user-application compatible data at said additional unit (see col. 5 lines 66-col. 6 lines 17, adapter 34b translates the data into a compatible format with app #2); and

providing said user-application compatible data to a user-application (see col. 5 lines 66-col. 6 lines 16), wherein said installation local unit comprises a plurality of installation local unit at least two of which generate said real time data in difficult formats, and wherein said additional unit comprises at least two additional unit having user-application of said real time data which require said real time data in at least two

Art Unit: 2457

different formats (see fig. 2, col. 6 lines 35-, each system may comprise a plurality of application where each application may generate and receive data in a different format).

As to claim 10, Sheard teaches the method of claim 7, wherein said installation-local unit further comprises a user of additional data from said additional unit, and wherein said additional formatting unit translates said additional data into said compatible communication protocol, and said formatting unit translate said suitable communication protocol suitable format for said user of additional data (see fig. 1, col. 5 lines 42-57 and col. 8 lines 65-col. 9 lines 12 and col. 9 lines 57-col. 10 lines 2).

As to claim 11, Sheard teaches the method of claim 7, wherein said real time data is in a different format from said user-application compatible data (see col. 5 lines 42-57, the format and protocol at the source is different than the data format at the destination).

- Claims 2, 6, 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheard in view of Gollnick et al., U.S. patent No. 7,206,592 (referred to hereafter as Gollnick).

Sheard teaches a system and method for transmitting data between two devices that process the data in different formats. The system and method have adapters that translate the transmitted data from a first format to a generic format and then to a format compatible with the second device.

Sheard does not explicitly teach that the additional unit i.e. the second device or system (2...n) is wireless and wherein said additional unit communicate with installation local unit i.e. first device or system 1 by spread spectrum high speed radio link.

However, Gollnick teaches a system and method for transmitting data between devices using spread spectrum high speed radio link (see col. 2 lines 19-39).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to install the wireless transceivers taught by Gollnick with the system (1...n) of Sheard. Motivation to do so comes from the knowledge well known in the art that installing wireless transceivers in Sheards system would increase the flexibility, productivity and time saving because of the "anytime, anywhere" aspect of wireless communications allows increased access to accurate information when it is needed most from any geographic location. Also Motivation to using spread spectrum high speed radio link comes from the knowledge well known in the art that using spread-spectrum radio transmissions are far less susceptible to interference including other RF signals and noise and would therefore provide an error free wireless system.

- Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheard in view of Hill et al., U.S. Patent No. 6,937,159 (referred to hereafter as Hill).

Sheard teaches a system for communicating remote sources and users of real time data, comprising installation-local units and additional units (see abstract). Sheard does not explicitly teach that the installation local units are installed in an oil field.

However Hill teaches a system and method for acquiring data in an oil field using locally installed computers (see col. 5 lines 33-43). It would have been obvious for one of the ordinary skill in the art at the time of the invention to install the units of Sheard on an oil field as taught by Hill because doing so would allow the transfer of important data to distant computers for more thorough analysis that local units are not capable of and therefore saving time and money.

(10) Response to Argument

As per appellants arguments filed on Jan. 23, 2009, the appellant argues that Sheard does not disclose "a plurality of additional units designed to receive the universal data and then transform the data into proper protocol for different user applications (see brief pages 9-10).

In reply, Sheard teaches a system and method for exchanging information between a plurality of systems in different formats (see abstract). Sheard teaches a method for communicating remote sources and users of real time data, comprising the steps of: providing an a system s1 which transmits data in a first format, system s1 interpreted to be the claimed installation-local unit comprising adapters such as adapter 34a which is interpreted to be the claimed "at least one receiver" directly communicating with applications such as application 1 which is interpreted to be the claimed "an installation" wherein adapter 34a receives data from application 1. Adapter 34a interpreted to be the claimed "formatting unit" for formats real time data into a suitable communication protocol so as to provide universal data (see col. 4 lines 44-57, col. 9

lines 58-col. 10 lines 2 and col. 5 lines 42-65, adapter 341 receives data from application #1 formatted in a first protocol and translates the data into a generic format).

Sheard also teaches systems 2,3..n interpreted to be “an additional unit” which receives the universal data and which comprise Adapter 34B-D) interpreted to be the claimed “additional formatting unit” which translates the universal data into a format compatible with the user applications (see col. 5 lines 56-col. 6 lines 17). Sheard also teaches the system 2 “additional unit”, which is the receiving system, may comprise a plurality of applications APP1a-APPNa interpreted to be the claimed “at least two additional units” wherein each application of applications APP1a-APPNa require data in a different format (see fig. 2 and 6, col. 6 lines 35-47 and col. 8 lines 66-col. 9 lines 12).

Applicant argued that Sheard does not teach a plurality of additional units designed to receive the universal data and then transform the data into proper protocol. However, examining the claim language, no such limitations are explicitly stated in the claim. The claim language recites “an additional unit...for receiving universal data”. Examiner has interpreted system 2 to be the claimed “an additional unit” which receives data in a universal format. The claim also recites “said additional unit comprises at least two additional units”. Sheard teaches, as illustrated above, that system 2 which receives the data in a universal format comprises a plurality of applications APP1a-APPNa. The applications APP1a-APPNa are interpreted to be “at least two additional units”. In fact, the claim explicitly recites “at least two additional units having user applications”. Therefore, examiner's interpretation is precisely what the applicant is claiming. Also the claim states that the user applications require real time data in at least two different

Art Unit: 2457

formats, wherein Sheard explicitly teaches that the applications APP1a-APPNa of system 2 include adapters a-n or adapters A1-N1 as shown in fig. 2 and 6 to translate the received data in different formats (see col. 6 lines 35-47 and col. 8 lines 66-col. 9 lines 12). Therefore Sheard teaches the invention as claimed.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

/Hussein Elchanti/
Patent Examiner
August 4, 2009

Conferees:

/ARIO ETIENNE/

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